

J017 Rec & PCT/PTO 30 APR 2001



PATENT  
2694-0131P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: ROJAS-CHAPANA, Jose et al. Conf.:  
Appl. No.: 09/744,809 Group: UNASSIGNED  
Filed: January 30, 2001 Examiner: UNASSIGNED  
For: A PROCESS FOR THE MICROBIAL LEACHING OF  
SULFIDIC MATERIALS, AND THE USE OF  
SULFUR-CONTAINING AMINO ACIDS IN SAID  
MICROBIAL LEACHING

LETTER

Assistant Commissioner for Patents  
Washington, DC 20231

April 30, 2001

Sir:

Subsequent to the filing of the above-identified application on January 30, 2001, attached hereto is an English translation of the International Preliminary Examination Report (IPEA 409) which should be made of record in the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

**RECEIVED**

MAY 29 2001

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Joe McKinney Muncy  
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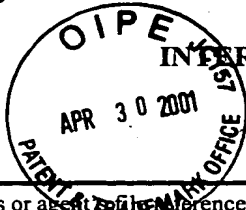
Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's reference P54598PC-Zie	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP99/05272	International filing date (day/month/year) 23 July 1999 (23.07.99)	Priority date (day/month/year) 30 July 1998 (30.07.98)
International Patent Classification (IPC) or national classification and IPC C22B 3/18		
Applicant HAHN-MEITNER-INSTITUT BERLIN GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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Date of submission of the demand 10 February 2000 (10.02.00)	Date of completion of this report 24 May 2000 (24.05.2000)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## I. Basis of the report

1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

- ☒ the international application as originally filed.
- ☒ the description, pages 1-6, as originally filed,  
pages \_\_\_\_\_, filed with the demand,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims, Nos. 1-8, as originally filed,  
Nos. \_\_\_\_\_, as amended under Article 19,  
Nos. \_\_\_\_\_, filed with the demand,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings, sheets/fig 1/1, as originally filed,  
sheets/fig \_\_\_\_\_, filed with the demand,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_

**2. The amendments have resulted in the cancellation of:**

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig. \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

**4. Additional observations, if necessary:**

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims	1-8	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

## 2. Citations and explanations

This report makes reference to the following document:

D1: US-A-2 829 964.

**Claim 1** is restricted in relation to D1.

In comparison with the method known from D1, the invention addresses the problem of providing a leaching method with enhanced disintegration rate which does not use any environmentally harmful additives.

The subject matter of Claim 1 is therefore novel (PCT Article 33(2)).

In order to solve said problem, the invention uses a leaching liquid containing an amino acid selected from cysteine, methionine, derivatives or mixtures of these compounds.

This solution is neither known from nor suggested by the prior art.

Consequently, the subject matter of Claim 1 also meets the inventive step requirement of PCT Article 33(3), and is also industrially applicable (PCT Article 33(4)).

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

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**Claims 2-8** are dependent on Claim 1 and therefore also meet the PCT requirements.